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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,385

09/27/2006

Atsushi Ohma

040356-0596

9441

22428 7590 04/15/2011
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EXAMINER

WANG, EUGENIA

ART UNIT

PAPER NUMBER

1726

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10594385	9/27/2006	OHMA ET AL.	040356-0596

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EXAMINER

EUGENIA WANG

ART UNIT**PAPER**

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20110413

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Commissioner for Patents

The newly submitted claims directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: all amendments are drawn to distinct, unelected species (as set forth in the original restriction requirement, dated December 14, 2009, incorporated herein but not reiterated herein for brevity's sake).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-28 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Accordingly, all claims are withdrawn, and thus no claims are available for examination.

From MPEP 706.07(h)(VI)(B): "Presentation of claims for different invention - Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145. If an RCE is filed with an amendment canceling all claims drawn to the elected invention and presenting only claims drawn to a nonelected invention, the RCE should be treated as a proper RCE but the amendment should not be entered. The amendment is not fully responsive and applicant should be given a time period of one month or thirty days (whichever is longer) to submit a complete reply. See MPEP § 821.03. Form paragraphs 8.04 or 8.26 should be used as appropriate."

/Gregg Cantelmo/
Primary Examiner, Art Unit 1726